

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X	
PRIME CONTRACTORS, INC.,	:
	:
Plaintiff,	:
	:
v.	:
	:
APS CONTRACTORS INC., et al.,	:
	:
Defendants.	:
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**WILLIAM F. KUNTZ, II, United States District Judge:**

**ORDER**  
**22-CV-1581 (WFK)**

On October 1, 2024, the Honorable Magistrate Judge Joseph A. Marutollo issued a Report and Recommendation (“R&R”) recommending the Court deny Defendant North American Specialty Insurance Company’s (“NASIC’s”) motion to dismiss. *See* ECF No. 37.

The parties did not file any objections to the R&R, which were due by Tuesday, October 15, 2024. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). The Court reviews an R&R for clear error when no objections have been filed. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.). The Court finds no such error here and therefore adopts the R&R in its entirety. Specifically, the Court DENIES Defendant NASIC’s motion to dismiss.

Plaintiff is directed to serve a copy of this Order upon all Defendants in this action by Friday, October 25, 2024 and file proof of service on ECF.

The Clerk of Court is respectfully directed to terminate the motions pending at ECF Nos. 24 and 37.

**SO ORDERED.**

**s/ WFK**

HON. WILLIAM F. KUNTZ, II  
UNITED STATES DISTRICT JUDGE

Dated: October 17, 2024  
Brooklyn, New York